Remarks/Arguments:

The instant amendment places the subject application in form for immediate allowance. Accordingly, entry of the amendment is appropriate after the final action.

Claims 1 and 10, currently amended, and claims 2, 7-9, and 11, previously presented, are pending.

Claims 3-6, 12, and 13 are canceled, without prejudice or disclaimer.

Claim 6 is cancelled, pursuant to restriction.

Examination was limited to SEQ ID NOS: 7, 9, and 14 pursuant to election/restriction, made final. The claims, as presently amended, are now limited to the same examined sequences.

Claims 1, 2, and 7-9 were rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1, 2, and 7-9 were rejected under 35 USC 112, first paragraph, for allegedly lacking enablement. Claims 1, 2, 7, 8, 10, and 11 were rejected under 35 USC 102(b) as being allegedly anticipated by WO94/25588 (Schlingensiepen). Reconsideration of the §112, ¶1, and §102(b) rejections is requested.

By the instant amendment, limiting the claims to the examined "SEQ ID NOS: 7, 9, and 14"—as alternative sequences for the recited "oligonucleotide"—the aforesaid rejections, under §112, ¶1, and §102(b), are all overcome. That is, the reasons supporting each rejection are rendered moot by the instant amendment. Withdrawal of the rejections under §112, ¶1, and §102(b) appears to be in order.

Claims 1, 2, 7, 8, 10, and 11 were provisionally rejected under 35 USC 101 as allegedly claiming the same invention as claims 12-15 in US10/984,919. Claims 10 and 11 were rejected under 35 USC 101 for allegedly claiming the same invention as claims 1-3 of US6455689. Reconsideration of the §101 rejections is requested.

First of all, arguments addressing the §101 rejections were presented in the responsive paper filed 21 September 2006, allegations to the contrary in the final Office Action, notwithstanding. Attention is directed, specifically, to page 8, third and fourth complete paragraphs, page 9, penultimate paragraph, and the paragraph bridging pages 9 and 10 of the responsive paper, in this respect.

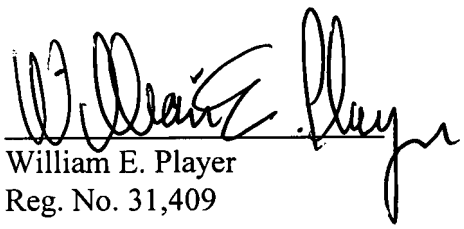
Secondly, in view of the instant amendment, the §101 rejections are rendered moot; the supporting reasoning set forth in the statement of rejections being no longer applicable.

Third—as originally set forth in the amendment filed 4 October 2005, and repeated in the amendment filed 21 September 2006 (mentioned above)—the §101 rejections are provisional. And, in view of the instant amendment, the rejections under §112, ¶1, and §102(b) are overcome and, so, in order for withdrawal. Thus—upon withdrawal of the §112, ¶1, and §102(b) rejections—the statutory (§101) double patenting rejections will be the only rejections remaining in the subject application. Therefore, "the examiner should withdraw the rejection[s] in (the subject) application and permit [the subject] application to issue as a patent." MPEP 804(I)(*B*)(2).

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By 
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